

PUBLIC NOTICE

May 10, 2011

ANNOUNCEMENT OF A ROUTINE PROGRAM CHANGE TO INCORPORATE LOUISIANA'S MASTER PLAN FOR A SUSTAINABLE COAST, AND CERTAIN SUPPORTING DOCUMENTS INTO THE LOUISIANA COASTAL RESOURCES PROGRAM

In accordance with the regulations of the federal Coastal Zone Management Act ((15 CFR 9.23.o. 80-84), the Louisiana Coastal Resources Program (LCRP) which is administered by the Office of Coastal Management (OCM) in the Department of Natural Resources (DNR), is submitting four (4) documents related to Louisiana's Master Plan for a Sustainable Coast to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal resource Management (NOAA/OCRM) for its review and approval for inclusion as a Routine Program Change of the LCRP.

Background: Louisiana's Master Plan for a Sustainable Coast and related implementing documents

The proposed program change would incorporate the four (4) documents listed and described below into the LCRP in order to utilize fully the existing and one new enforceable policies and mechanisms of the State and Local Coastal Resources Management Act (SLCRMA) through which the Office of Coastal Management (OCM) implements the LCRP. Together, these documents form the basis of OCM's use of its authorities in facilitating the implementation of the state Master Plan.

- 1) "Integrated Ecosystem Restoration: Louisiana's Comprehensive Master Plan for a Sustainable Coast"(2007) (Master Plan). This document is a broad and general statement of guiding principles , goals and strategies proposed to be used in a decades long effort to protect and restore, when possible, Louisiana's coastal ecosystem to a sustainable level.
- 2) Senate Concurrent Resolution 11 of the 2007 Regular Session of the Louisiana Legislature. This resolution approves the Master Plan by the Louisiana Legislature and expresses the legislative intent that the Coastal Protection and Restoration Authority (CPRA) should move forward in implementing provisions of the plan.
- 3) Executive Order BJ-08-07, (2008). This executive order (EO) This EO directs all state agencies to carry out their regulatory responsibilities and administer all programs, contracts, grants and other activities in a manner consistent with the Master Plan. Conveys a new enforceable policy by requiring OCM regulatory decisions to be consistent with the Master Plan. However this is not a substantial

change because OCM's existing authority allows it to regulate wetlands and land uses which affect coastal waters.

- 4) "Guidance for Permit Consistency with Louisiana's Master Plan for a Sustainable Coast" (2009). This guidance document was developed by OCM as a §309 work product to provide a consistent methodology for OCM staff to apply the enforceable policies and mechanisms of the LCRP to the regulatory and oversight responsibilities in such a way as to fully comply with EO BJ-08-7, as described above.

Background: Routine Program Change process

The federal Coastal Zone Management Act (CZMA) was passed by the United States Congress in 1972. The CZMA provided that states could develop coastal management programs subject to federal approval and oversight. In response, Louisiana enacted the State and Local Coastal Resources Management Act (SLCRMA) of 1978, and the state developed the LCRP pursuant to the SLCRMA.

The LCRP received federal approval in 1980, and the state has accepted federal assistance through grants issued through NOAA since that time. In order for a state to continue to be eligible to receive such grants, its program must abide by the CZMA and its regulations.

A requirement (15 CFR 923.80-84) of the CZMA regulations is that any changes to a state program must be reviewed by NOAA/OCRM to determine if the changed program still meets approval criteria. Amendments are defined under 15 CFR 923, Subpart H, Section 923.80(d) as substantial changes in one or more of the five program areas identified in subpart B through F of part 923. These five program areas are as follows: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public involvement, and national interest. A Routine Program Change (RPC) is a further detailing of a state's program that does not result in a substantial change to one or more of the five program areas.

Reason for Proposed RPC Status

The State of Louisiana contends that the incorporation of the Master Plan and associated approval and guidance documents into the LCRP constitutes an RPC rather than an amendment to the LCRP because they do not substantially change any of the five Program Approval Areas listed in 15 CFR Part 923, Subpart H, Section 923.80(d).

Changes in Enforceable Policies

The changes to the LCRP made by the incorporation of the Master Plan and associated approval and guidance documents do not constitute substantial changes to existing enforceable policies or new enforceable policies. Rather, the changes provide guidance for implementing public policy under existing enforceable policies by clarifying and providing guidance to the secretary regarding broad public policy and further detailing the application of existing enforceable policies to achieve Master Plan objectives. The Master Plan and associated documents clarify and express legislative intent and public policy, instruct the secretary regarding certain criteria to be used in reviewing consistency determinations, and update the program to integrate it into the state's ecosystem restoration and sustainability objectives. The new enforceable policy established by the executive order does not represent a substantial change because OCM already has authority to regulate wetlands and activities which affect coastal waters. The additional legislative and executive intent expressed by the Master Plan and associated documents will be implemented by the Office of Coastal Management permit and consistency reviews through application of existing regulations, training and education.

Conclusion

In accordance with the July 1996 Final Program Change Guidance, the State of Louisiana asserts that the addition of the Master Plan and associated documents to the LCRP should be considered to be further detailing of the LCRP and approved as a Routine Program Change.

INFORMATION ABOUT THE MASTER PLAN AND ASSOCIATED APPROVAL AND GUIDANCE DOCUMENTS

Copies of the Master Plan and associated approval and guidance documents may be obtained from Mr. O. C. Smith, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804, or by calling 225.342.7591 or 1.800.267.4019. All documents may also be viewed online at:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=777>

COMMENTS ON THE ROUTINE PROGRAM CHANGE

The Routine Program Change Request to incorporate the Master Plan and associated approval and guidance documents will be submitted to NOAA/OCRM on May 10, 2011, and they will have four weeks to review it. Any comments on whether this action should be considered as a Routine Program Change should be sent to NOAA/OCRM within three weeks of the date of issuance of this notice at the following address.

Mr. John King
Coastal Programs Division
NOAA/NORM 3
1305 East West Highway
Silver Spring, MD 20910

